

Remarks

To further prosecution, Applicants have canceled claims 11-37 without prejudice or disclaimer. Applicants submit that the application is in condition for allowance and respectfully request same.

Restriction

The Examiner continues to assert that the application has three distinct inventions – claims 1-10 (Invention I), claims 11-23 (Invention II), claims 24-37 (Invention III) – and that restriction is proper. Detailed Action ¶ 1. Applicants disagree with the Examiner's assertions where they contradict the explicit language of the claims.

In particular, the Examiner appears to be continuing to incorporate limitations of dependent claims into independent claims. Id. If this is the case, it is improper. While it is true that the limitations of an independent claim are the limitations of a claim that depends therefrom, 35 U.S.C. § 112, ¶ 4, the limitations of the dependent claim, as long as they are distinct from the limitations of the independent claim, are not the limitations of the independent claim. Also, the Examiner appears to be indicating that dependent limitations of one claim set could not be covered by another claim set. Id. Such an assertion would also be improper. A broader claim can readily encompass a narrower claim, even if in another claim set.

To further prosecution, however, Applicants have canceled claims 11-37.

Allowable Subject Matter

The Examiner indicates that claims 1-10 are allowable. Detailed Action ¶ 2. Applicants thank the Examiner for this finding. Since only claims 1-10 are currently pending in the application, Applicants respectfully request the Examiner to pass the application through to issuance.

Applicants, however, note that the Examiner may again be trying to incorporate limitations of the dependent claims into an independent claim. Id. If this is the case, this is not

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Applicants' intent, and, as explained above, it is not proper. Applicants apologize if they are misreading the Examiner's comments.

Unconsidered Information Disclosure Statements

Applicants submitted Information Disclosure Statements, including PTO-1449s, on August 12, 2004, and October 13, 2004. However, it appears that the Examiner may have overlooked the Information Disclosure Statements as Applicants have not received a copy of the PTO-1449s indicating that the Examiner considered the cited references. Applicants respectfully request the Examiner to return a copy of the PTO-1449s indicating consideration of the cited references with the next correspondence in the case.

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Conclusion

Based on the foregoing, Applicants submit that a good-faith effort has been made to advance the prosecution of this application. Furthermore, Applicants submit that the application is in condition for allowance and respectfully request same. If the Examiner feels that prosecution may be advanced by a conference, however, Applicants respectfully request the Examiner to contact the below-listed attorney.

Applicants do not believe that any fee adjustment is required by this paper. If, however, Applicants are incorrect, please apply any charges or credits to deposit account 06-1050, with reference to the above attorney docket number.

Respectfully submitted,

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